

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA
and DISTRICT OF DELAWARE

IN RE	.	Case No. 00-22876 (JKF)
PITTSBURGH CORNING	.	
CORPORATION,	.	
Debtor.	.	
.	.	
IN RE	.	Case No. 03-35592 (JKF)
MID-VALLEY, INC., et al.,	.	
Debtor.	.	
.	.	
IN RE:	.	Case No. 02-20198 (JKF)
NORTH AMERICAN REFRACTORIES	.	
COMPANIES,	.	
Debtor.	.	
.	.	
IN RE:	.	Case No. 02-12687 (JKF)
ACandS, Inc.,	.	
Debtor.	.	
.	.	
IN RE:	.	Case No. 00-04471(JKF)
ARMSTRONG WORLD	.	
INDUSTRIES, INC.	.	
Debtor.	.	
.	.	
IN RE:	.	Case No. 03-10495(JKF)
COMBUSTION ENGINEERING, INC.,	.	
Debtor.	.	
.	.	
IN RE:	.	Case No. 04-11300 (JKF)
THE FLINTKOTE COMPANY	.	
Debtor.	.	
.	.	

IN RE: . Case No. 02-10429 (JFK)
KAISER ALUMINUM CORPORATION, .
Debtor, .
.
IN RE: . Case No. 00-03837 (JKF)
OWENS CORNING, .
Debtor. .
.
IN RE: . Case No. 01-2471 (JFK)
US MINERAL PRODUCTS COMPANY, .
Debtor. .
.
IN RE: . Case No. 01-02094 (JFK)
USG CORPORATION, .
Debtor, .
.
IN RE: . Case No. 01-1139 (JKF)
5414 U.S. Steel Tower
W.R. GRACE & CO., . 600 Grant Street
Pittsburgh, PA 15219
Debtor. .
. April 4, 2013

TRANSCRIPT OF STATUS CONFERENCES
BEFORE HONORABLE JUDITH K. FITZGERALD
UNITED STATES BANKRUPTCY COURT JUDGE

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1 THE COURT: Good afternoon. This is a status
2 conference that the Court scheduled in order to address a
3 protocol for disclosure of certain 2019 statements to Garlock.
4 This matter is pending in Pittsburgh Corning, Mid-Valley and
5 North American Refractories in Pittsburgh; ACandS, Armstrong
6 World Industries, Combustion Engineering, Flintkote, Kaiser
7 Aluminum, Owens Corning, US Mineral, USG and W.R. Grace in the
8 District of Delaware.

9 I have participants listed by phone: David Knapp,
10 Fred Alvarez, Michael Balch, Keith Barbarosh, Leonard
11 Bieringer, Michael Buckley, Douglas Cameron, Garland Cassada,
12 Iriz Colon, Bryan Davis, Tony Draper, Sander Esserman, Robert
13 Goodman, Cheryl Heller, Joel Helmrich, Adam Isenberg, Jeffrey
14 Kahane, Joseph King, David Klingler, David Lampl, Kevin
15 Merriman, Philip Milch, Andrew Muha, Joseph Nese, David
16 Parsons, Natalie Ramsey, James Restivo, Michael Shiner, George
17 Snyder, Arthur Stroyd, Crystal Thornton-Illar, Miranda Turner,
18 Kimberly Wakim, Richard Worf and David Ziegler all for
19 Pittsburgh Corning.

20 In Owens: Garland Cassada, Iriz Colon, Bryan Davis,
21 Matthew Harvey, Daniel Hogan, Joseph King, Gregory Werkheiser,
22 Richard Worf.

23 In Armstrong: Garland Cassada, Iriz Colon, Debra
24 Dandeneau, Bryan Davis, Matthew Harvey, Joseph King, Jason
25 Madron, Gregory Werkheiser, Richard Worf, Abigail Zigman.

1 In W.R. Grace: Rana Barakat, Garland Cassada, Iriz
2 Colon, Bryan Davis, Martin Dies, Matthew Harvey, Mark Hurford,
3 Jason Jones, Joseph King, Kevin Maclay, James O'Neill, Alan
4 Rich, Alexander Sanders, Gibson Solomons, Daniel Speights,
5 Theodore Tacconelli, Gregory Werkheiser, Richard Worf, Elisa
6 Alcabes.

7 In USG: Garland Cassada, Iriz Colon, Bryan Davis,
8 Matthew Harvey, Joseph King, Gregory Werkheiser, Richard Worf.

9 In US Minerals: Garland Cassada Iriz Colon, Bryan
10 Davis, Matthew Harvey, Joseph King, Gregory Werkheiser, Richard
11 Worf.

12 In Kaiser: Garland Cassada, Iriz Colon, Bryan Davis,
13 Matthew Harvey, Joseph King, Gregory Werkheiser, Richard Worf.

14 In ACandS: Garland Cassada, Iriz Colon, Bryan Davis,
15 Matthew Harvey, Joseph King, Bethany Recht, Gregory Werkheiser
16 and Richard Worf.

17 In NARCO: Brian Brager, Garland Cassada, Iriz Colon,
18 Bryan Davis, Michael Davis, Robert Horkovich, Joseph King,
19 Phillip Milch, Gary Phillip Nelson, Richard Worf, Beverly Weiss
20 Manne.

21 In Combustion: Garland Cassada, Iriz Colon, Bryan
22 Davis, Joseph Frank, Matthew Harvey, Joseph King, Gregory
23 Werkheiser, Richard Worf, Richard Wyron.

24 In Mid-Valley: Garland Cassada, Iriz Colon, Bryan
25 Davis, Joseph King, Richard Worf, Michael Zanic, Garland -- I'm

1 sorry, Michael Zanic was the last one in Mid-Valley.

2 In Flintkote: Garland Cassada, Iriz Colon, Christina
3 Craige, Bryan Davis, Matthew Harvey, Joseph King, Stephen
4 Miller, Michael Shiner, Gregory Werkheiser, Thaddeus Wilson and
5 Richard Worf.

6 And that is the list of participants that I have by
7 phone.

8 All right. I have received a response from Garlock
9 indicating that the protocol is unnecessary. In fact, it is
10 necessary for the reason that depending on how many of the
11 disks that Mr. Cassada, on behalf of his client, wants to see,
12 or his client wants to see, the estimate through the bankruptcy
13 court is that if we devoted staff to produce the documents, it
14 would take three years of staff time, and it will be longer in
15 Delaware because there are more cases pending. So that's the
16 first thing.

17 The second thing is I ran the protocol past Judge
18 Hodges, he's fine with it. And I've also ran the concept,
19 although not the specifics, past Judge Conti who deals with our
20 discovery master program, and Judge Nora Barry Fischer who
21 entered the orders in the three Pittsburgh cases, and they're
22 also fine with it. In fact, endorsed the concept because of
23 the issues that will come up in terms of turning over original
24 court documents to any copy service, or anyone else. So we are
25 going to have a protocol, and we are going to use the

1 e-discovery special masters as a result, because it's simply
2 necessary in order for the Court to do the production.

3 So to the extent that the objection is it's
4 unnecessary without even hearing any argument, I'm overruling
5 that. It is quite necessary in order to assure an orderly
6 production process.

7 Now, having said that, I'm willing to hear whatever
8 anybody wants to say with respect of the details of that
9 production. And Mr. Cassada, I'll start with you, or whoever
10 on behalf of Garlock wishes to be heard.

11 MR. CASSADA: Thank you, Your Honor. This is Garland
12 Cassada. As we indicated in the filing that we made, Garlock's
13 concern at this point is further expense and further delay.
14 And our understanding has been that the provisions that we
15 negotiated with the law firms and the Asbestos Claimants
16 Committees in the various cases were adequate, at least to
17 address concerns that the Court may have about Garlock getting
18 retention agreements, which were not part of what Garlock was
19 given access to, and full Social Security numbers. Those two
20 issues were specifically addressed in negotiations between the
21 parties and the provisions in implementing orders reflect the
22 agreements of the parties on how to handle that.

23 And, specifically, we agreed to retain a mutually
24 agreeable document retrieval and copying company. And we, in
25 fact, did agree with the law firms and the ACCs to engage

1 Parcels, Inc., who I believe has a representative participating
2 in the telephonic hearing. And the idea would be that Parcels
3 would receive copies of the disks and copy the 2019 exhibits.
4 We talked about making copies --

5 THE COURT: Mr. Cassada, I need to stop you right
6 there. The Court doesn't have the personnel to make copies,
7 that's why we're using the special master. So that is not
8 going to happen. We don't have the resources, we don't have
9 the disks, and we don't have the personnel. And we're not
10 going to turn over original records to a copy service without
11 some systematic method of determining what they are.

12 Now, I have a suggestion for you. If you want to get
13 these same 2019 statements that debtors' counsel supposedly
14 have on hand using whatever process you folks have agreed to so
15 that the Court isn't involved in it, that's one thing, and then
16 you can agree to whatever confidentiality provisions you like.
17 But if it's going to be court records that are going to be
18 turned over, we're going to do it through a protocol.

19 MR. CASSADA: I'm not certain that the debtors'
20 counsel have copies of the 2019.

21 THE COURT: They were ordered to keep them. Now,
22 whether they've kept them in closed cases, I don't know.

23 MR. CASSADA: Yes. I guess our understanding was
24 that the actual disks are included in a file cabinet, at least
25 the ones that hadn't been sent to storage were in a file

1 cabinet.

2 THE COURT: They're in probably "need to file"
3 cabinets that stretch from the floor to the ceiling. And it
4 would take, as I indicated, three years worth of work to
5 segregate this information, the ones in Pittsburgh. That
6 doesn't include Delaware. Delaware has substantially more than
7 Pittsburgh has, although, my understanding is still that many
8 of the Delaware ones, the files have not yet been brought back
9 from archives.

10 MR. CASSADA: Yes. The way that we had envisioned it
11 and hoped that it could happen would be that Parcels would come
12 to the court in the same way that a party would come, or any
13 member of the public to view a court document, and would copy
14 disks onsite with minimal burden on the clerk's office. Now,
15 that would have to be coordinated with a clerk, but our hope
16 was that the Court would be willing to allow that procedure to
17 go forward, which, as I indicated, is the procedure that we had
18 agreed to with the interested parties in the appeals.

19 THE COURT: Well, as I said, if you want to try that
20 with counsel, fine. If you want to do it through the court
21 process, we're going to have a controlled mechanism, and the
22 e-discovery master is the way we're going to do it. Because
23 otherwise we have no assurance that what -- that the disks are
24 not damaged; that we're getting back what we've turned over.
25 To the extent that these documents are now considered by a

1 district court to be part of the court file, we have to
2 preserve them the way we would any other disks, or any other
3 docketed material. And since they are not on the CMECF system,
4 the only copies we have are the originals that are in our
5 files, we have to preserve them. So we're going to have to
6 preserve them.

7 Now, if you want to work something out with counsel
8 to the extent that they have what you're looking for, then I
9 don't know that the Court cares so much. But I do care about
10 the requirement that the law says that the Court is not to
11 disclose Social Security numbers, so we're not going to
12 disclose Social Security numbers. And the district court
13 opinions say you can't get the retention agreement, so we're
14 not going to disclose those. Not to Parcels; not to anyone.
15 So we need a process by which that's going to work out, and
16 that's what I see part of the process for the e-discovery
17 master is doing.

18 MR. CASSADA: Let me address the Court's concerns
19 about Social Security numbers and the retention agreements.
20 Actually, the protective order that we put in place, as well as
21 the implementing order protects the Social Security numbers.
22 And that was an issue that was adjudicated in connection with
23 Garlock's motion to access. That the disk would contain
24 personal identifying information, including Social Security
25 numbers that might be the subject of, or be subject to the risk

1 of identity theft.

2 Judge Stark dealt with that issue in the opinion, and
3 he said that while the appellees are concerned about the
4 possibility of misuse of potential asbestos claimants personal
5 information leading to identity theft, or other abuses, they
6 failed to show any clearly defined and serious injury,
7 particularly given the restrictions the Court will place on
8 Garlock's use of the 2019 exhibits. So that issue was part of
9 what Judge Stark adjudicated. And the protections that he put
10 in his opinion and the implementing order were designed to
11 protect Social Security numbers.

12 And as the Court may know, if you've read the North
13 Carolina protective order, we've gone even further and provided
14 further protection for Social Security numbers. And not only
15 would any party to whom we would produce 2019 exhibits, and
16 that would include the Asbestos Committee in our case, as well
17 as the Futures representative, not only would they be bound to
18 keep the 2019 exhibits confidential, but we've agreed that
19 before we even produce to those parties, we would redact all
20 but the last four digits of the Social Security number.

21 THE COURT: But my understanding is -- Mr. Cassada,
22 my understanding is that a very simple program can be run on
23 these disks by whoever takes the disks -- not the Court's copy,
24 but the copy of the Court's copy, there's a very simple program
25 that can be run that will eliminate everything but the last

1 four digits of the Social Security number. There is no need
2 for anybody to have production of those Social Security numbers
3 if, in fact, the information that I've been presented is
4 correct. So I think running a sample test to find out whether
5 that works is easy, and I don't think that that's going to be a
6 huge expense with respect to the copying and delays.

7 So, frankly, I really don't see this as an issue.
8 This Court cannot produce personal identifies. We cannot do
9 it. We are bound by the rules that say we cannot, and we will
10 not produce them. We will turn them over to whoever it is who
11 has to make copies so that they can be appropriately redacted
12 from copies, not the original court documents, but that's all I
13 can do.

14 MR. CASSADA: Well, I am not familiar with the
15 software and the expense that that may entail. And I would
16 hope that if the Court is inclined to let Parcels do the
17 copying, as the parties had agreed, that maybe Parcels can run
18 that program. But there is precedent for Social Security
19 numbers in the 2019 statements and in ballots. And that the
20 Court has on other occasions granted access to 2019 statements
21 and the ballots that included full Social Security numbers, and
22 the remedy in those cases has been that the party receiving
23 that has agreed to protect those full numbers and not to --

24 THE COURT: That is correct, but the purposes for
25 which those disclosures were made is much different from this.

1 And in this instance, it seems to me that with the massive
2 information that is being sought by Garlock, it has to be done
3 in a fashion that does, indeed, do what the law requires in
4 terms of protecting this. Garlock has never been able to get
5 copies of those documents. You've had access, but not copies.
6 This is a whole different ball of wax, from my point of view.

7 MR. CASSADA: Well, Your Honor, we did get access in
8 part due to your orders to ballots by most of these same
9 claimants in all of the bankruptcy cases.

10 THE COURT: Yes, I know.

11 MR. CASSADA: In each of those cases we've
12 stipulated, entered into agreements in a separate protective
13 order in North Carolina that the full Social Security numbers
14 that may have been inadvertently included in those documents
15 would not be divulged.

16 THE COURT: That's right. And that same protective
17 order will apply here. To the extent that there is something
18 that is inadvertently disclosed, it won't be divulged, but not
19 everything is going to be disclosed. Some modifier to make
20 sure that what is not required to be turned over by the law,
21 that it is not turned over is going to be in place.

22 Mr. Cassada, I am going to use a special e-discovery
23 master. I've already run it by Judge Fischer, she's wholly in
24 support. She thinks it's a good idea given the constraints
25 that the courts face right now with respect to staffing and

1 everything else. So it's going to happen. So can we just
2 figure out how we're going to implement it.

3 MR. CASSADA: Let me just say one thing and then we
4 can move on to discussing implementation. And that is that we
5 did -- Judge Stark was sensitive to the timing issues and we
6 had a hearing where he wanted to understand the need for --
7 when we could -- needed to receive these documents in order to
8 be able to use them in our estimation proceeding here,
9 particularly since it's been over two years since we requested
10 access. And we have a trial that's set to start on July 22.

11 THE COURT: Well, you're not going to make it if we
12 don't get a special e-discovery master in place, because it
13 will take three years from Pittsburgh alone to do this
14 production. And I haven't gotten an estimate from Delaware, I
15 haven't even seen all the documents. But given the number of
16 cases and my own familiarity with them, I think it's going to
17 be a lot longer there. So you got a problem. To meet this
18 deadline, we've got to do something to expedite it. And I
19 don't want to hold up Garlock's case either, but the way to not
20 hold Garlock's case up is not to -- it is to -- let me put it
21 affirmatively -- put somebody in place who can effectuate this
22 plan. The clerk's office cannot.

23 And I don't know what estimate, as I said, Judge
24 Stark was given, if any. He didn't contact me about
25 Pittsburgh, so I don't know what his expectation is with

1 respect to Delaware. I haven't been able to get an estimate
2 from the clerk's office in Delaware yet as to how much time it
3 will take, so I'm not sure they know.

4 MR. CASSADA: Just so I understand, Your Honor, when
5 you said that it's a three-year time period, are you talking
6 about with a special master it will take three years?

7 THE COURT: No, no, no. I'm talking about if we
8 don't use a special master, how long it will take the clerk's
9 office to be able to do the production. That's the reason why
10 we got into the concept of the special master in the first
11 place.

12 MR. CASSADA: I understand. Well -- and just to fill
13 out further, the timing, Your Honor, when we had originally
14 talked with Judge Stark, he understood, I believe, from our
15 conference call that we had a deadline for rebuttal expert
16 reports on April 19th, and it was about a month-and-a-half ago
17 when we had that call. Now, obviously, we're not going to get
18 these statements in time for our expert to use them in his
19 rebuttal report. We're hoping that our judge will allow us to
20 supplement reports.

21 But in any event, I won't waste the Court's time
22 further. We do object to the protocol because we think that
23 the means that had been negotiated by the parties was adequate,
24 and protected the information and protected the Court's
25 original files.

1 THE COURT: Well, I disagree, and as a result, I'm
2 going to make sure that our records are adequately protected,
3 both in here and in Delaware, and this is how we're going to do
4 it, Mr. Cassada, unless, as I said, you ought to talk to the
5 debtor's counsel. Perhaps they've got the same documents, and
6 if they do, then, you know, to the extent that they are not
7 concerned about producing Social Security numbers, that's up to
8 them. To the extent that they're not concerned about producing
9 retention agreements that aren't to be produced, that's up to
10 them. And if you want to work out an agreement with them,
11 that's fine, but this Court is not approving that agreement
12 because I don't think it works. I don't think it protects what
13 the Court needs to have protected.

14 MR. CASSADA: Well, I don't think that would work
15 because all of the debtors' law firms hold those documents
16 pursuant to your order, which says they can't provide them
17 unless you order them to.

18 THE COURT: Well, that's easy. I can order them to
19 be provided, as opposed to working through the clerk's office.
20 I don't think that's the issue, Mr. Cassada. The issue is --
21 look, I would like to try to expedite this process. This is
22 not an intent to try to hold up Garlock. It's an intent to try
23 to get done what we need to do to comply with the court order
24 and to make sure that Garlock gets the information from these
25 2019s that, (a), have been authorized, and, (b), as quickly as

1 possible.

2 So my intent is not to be obstructive, but to assist
3 in getting this done. And I'm sure, based on the fact that
4 you're aware of the fact that the clerk's office, at my
5 request, developed a special report that could be given to
6 Garlock to expedite the process at the outset that this Court
7 is acting, if the words can be literally interpreted, in good
8 faith in attempting to get this process done as quickly and as
9 expeditiously as possible. We cannot do it in any kind of time
10 frame that would assist Garlock in its estimation hearing
11 without getting some outside help to do it. We can't do it.
12 It's just not physically possible. We don't have the staff.
13 We don't have the resources. We can't do it. So we have to
14 have someone else.

15 Now, to the extent that everybody has agreed that
16 Parcels can do the copying, then I don't see why Parcels can't
17 do the copying, but it's going to have to be under the
18 supervision of someone. And I think that's going to have to be
19 a special master. Garlock's going to have to bear that cost.
20 This court can't.

21 MR. CASSADA: Well, the special master, then, as I
22 understood it, would be responsible for making sure the
23 retention agreements weren't produced and for redacting Social
24 Security numbers?

25 THE COURT: Among other things. And to keep a record

1 of what it is that's being requested and produced and then
2 returned, to make sure that the Court gets a copy of whatever
3 was produced and returned so that if there's ever an issue as
4 to what was done, we have a record of what was done. So
5 there's more than one task involved.

6 MR. CASSADA: Did I understand your earlier comments
7 to be that if Garlock can determine that debtors' counsel has
8 copies of 2019 statements, the Court would permit Garlock to
9 get copies of those without doing any of the redaction that you
10 would require a special master to do?

11 THE COURT: Well, you're going to have to do the
12 redaction. The court order says you have to do the redaction.
13 I mean, someone is going to have to do it.

14 MR. CASSADA: Well, the Social Security numbers --

15 THE COURT: And the retention agreements.

16 MR. CASSADA: Okay. I thought I had understood you
17 to say that that wouldn't be your concern.

18 Let me comment --

19 THE COURT: No. What I'm saying -- I'm sorry. Mr.
20 Cassada, let me clarify. Maybe I misunderstood. From my point
21 of view, if the parties have come to some agreement with
22 respect to production that, you know, satisfies the parties who
23 were involved in the information that's in the 2019 statements,
24 that it's going to be appropriately protected. And you get
25 that information from CDs that are not in the Court's

1 possession, but are in the possession of another party, then, I
2 mean, you folks can work out whatever confidentiality agreement
3 is acceptable to you and Judge Hodges. And Judge Hodges has
4 already approved a confidentiality agreement that will work in
5 your bankruptcy case.

6 The problem I still have is these records are not in
7 your bankruptcy case. So I have to do what I believe is
8 appropriate for this Court to protect our own documents, and
9 that's what the issue is. So to the extent that you want to
10 get them from another source and the parties have agreed to
11 operate pursuant to the confidentiality agreement, then I think
12 that's up to you, and I'm fine with that. I'll order the
13 debtors, or I assume it's going to be the debtors, to produce
14 what it is that Garlock is asking for and not worry about the
15 special master because they won't be court records at that
16 point in time. But if they're court records, I need to impose
17 these safeguards.

18 MR. CASSADA: Let me change subjects, then, Your
19 Honor, to focus on another part of the protocol --

20 THE COURT: Okay.

21 MR. CASSADA: -- that we discussed in the suggestions
22 and comments we made, and that's in Part E there's a
23 requirement that Garlock would submit a certification to the
24 Court, and then the certifications, they are very specific.
25 Implicit in each of those certifications is a restriction on

1 Garlock's use that goes beyond any restriction ordered by Judge
2 Stark and by the protective order that we've negotiated with
3 the interested parties in our North Carolina case.

4 I've discussed the inconsistencies in the paper we
5 filed, but I'll briefly mention them now. First, Your Honor,
6 in 45(a) it provides that Garlock's sole use of the 2019
7 exhibits was in preparation for the liability estimation. I
8 don't know if that's really -- the language is really to be so
9 restrictive. But we've been granted the ability to use them in
10 connection with the estimating proceedings in general.

11 THE COURT: Well, that's what I understood, Mr.
12 Cassada. To the extent that that needs to be broadened, I
13 completely understand that you want the information to be able
14 to produce whatever report you're producing in the estimation.
15 So, yes, it's not just preparation, it's also at the hearing
16 itself to the extent necessary. And I apologize if the order
17 is too restrictive -- or the protocol is too restrictive. I
18 wholly agree with that.

19 MR. CASSADA: Yes. And in 45(b) and (c), it doesn't
20 permit us to share or disclose the information with other
21 parties, which would prevent us from using it in the estimation
22 proceeding. In the protective order we've negotiated, we will
23 share the information with the parties to the estimation
24 proceeding, which at least initially include the Asbestos
25 Claimants Committee and the Future's rep.

1 THE COURT: That's quite fine.

2 MR. CASSADA: So they would get this information, and
3 then they would be able to provide this information to their
4 experts and other people who would need it. Now, we did agree
5 that before we provided it, that we would redact all but the
6 last four digits of any Social Security numbers.

7 There's a provision here on destruction of copies and
8 timing on that, and those are matters that have already been
9 agreed to in North Carolina in the protective order. And it
10 wasn't a restriction that the opinion in the Delaware court
11 placed on us. It was something that we put in the protective
12 order that we negotiated. So I don't think the provision is
13 necessary, and the timing here is different from the timing
14 that we had agreed on with the interested parties in North
15 Carolina.

16 THE COURT: Well, with respect to --

17 MR. CASSADA: And then there's just --

18 THE COURT: Wait, please. With respect to sharing
19 the information with the parties to the estimation, yes, of
20 course you're going to do that, and, yes, of course if they
21 need to use it in preparation for their own estimation, that's
22 also appropriate, but subject to the same restrictions in the
23 confidentiality order and to the destruction of documents.
24 Don't forget, I did this protocol before I got Judge Hodge's
25 protective order, so the timing is somewhat different because I

1 didn't have his timing at the time it was drafted. So I'm
2 perfectly happy with whatever timing Judge Hodges wants to set
3 up in your case for returning and destroying documents. But
4 the destruction will apply to all parties and all experts, and
5 I will expect the same certification from all parties and all
6 experts. So the timing issue is an easy one.

7 MR. CASSADA: So what the Court is saying is that the
8 certification required by 45 would be required by every party
9 in our case that receives access to the 2019 statements?

10 THE COURT: Yes, sir.

11 MR. CASSADA: Okay. And then the final point is that
12 it provides in 45(c) that Garlock would not -- has not and will
13 not disclose the identity of any individual listed in any 2019
14 exhibit, and that would be contrary, we think, to any
15 restrictions placed on us by the Delaware court. And that we
16 will be, obviously, when we're turning over the 2019
17 statements, identities will be revealed. And when we file 2019
18 statements either in providing aggregate data, we obviously
19 wouldn't identify any individual, but we might focus on
20 individual claimants. And in that case, we would identify an
21 individual claimant who had filed a 2019 statement in one of
22 these cases.

23 THE COURT: Well, I think, Mr. Cassada, you can deal
24 with that by simply indicating, you know, I'm going to make up
25 a name. One of the claimants, lets say, is John Smith. You

1 can indicate in whatever information that you actually have to
2 put on the public record that that person is, just to use
3 another name, A. So you will have a list of who the actual
4 claimants are, but they won't be identified by that name in any
5 proceedings, but that doesn't mean the parties can't know who
6 they are. We've used that process in other cases; it works
7 fine.

8 MR. CASSADA: Yes. Okay. But maybe we're
9 misunderstanding each other. We agree and understand that
10 there won't be public disclosure of any individual, or any
11 individual's identifying information. What we're talking about
12 is just disclosure in the case. Obviously, we'd be disclosing
13 to the Court and to other parties subject to the protective
14 order, which would put that information under seal.

15 THE COURT: Right. And it is public disclosure that
16 I was concerned about, and also disclosure to parties who are
17 not -- not parties, but to entities that are not involved in
18 the case. I understand that the whole purpose is for Garlock's
19 estimation and the purpose of Garlock's bankruptcy. And I'm
20 not in any way attempting to interfere with that process.
21 Judge Hodges is obviously the assigned judge. He's quite
22 competent to determine how and when he will accept evidence.
23 I'm only trying to protect the information that I think this
24 Court is required to protect. So, to the extent that you want
25 to say public disclosure that's really what I was focusing on.

1 MR. CASSADA: Okay, well those are our comments. I
2 think that they're all documented in our filing today. And our
3 concern with the protocol and the special master, as I've
4 indicated, is that we are concerned about the timing and that
5 it would prevent us from getting the information in time to use
6 it. And we were hoping that the Court would view as adequate
7 having the document retrieval and copy and service that the
8 parties agreed on to appear in the courts and the Clerk's
9 Office and simply copy the disks as indicated in the
10 implementing order.

11 THE COURT: I said, I'm not opposed to --

12 MR. CASSADA: And I understand from the Court that
13 you're not going to do that. I understand. I didn't mean to
14 rehash that issue.

15 THE COURT: No. Mr. Cassada, I -- maybe I'm -- I did
16 not understand the District Court order to essentially say that
17 Parcels has, I'll just use free reign, with court records.
18 What I understood the order to say is that you folks can agree
19 on who the copy service is going to be. And I have no problem
20 with you agreeing on who the copy service is going to be, but
21 how that copy service gets involved in the case and access to
22 the documents is something this Court has to control and that's
23 what the purpose of the protocol and the special master is. If
24 you want to use Parcels to do the copying I don't have any
25 concern with Parcels doing the copying.

1 MR. CASSADA Yes. And I agree, that's not the issue.
2 The issue is whether the clerk would make the documents --
3 would provide access to Parcels directly so that Parcels can
4 copy the documents as opposed to doing that through an
5 intermediary.

6 THE COURT: Okay. Let me find out whether anybody
7 else on the phone has any concerns. Our clerk of court and our
8 chief deputy are here. After I hear everyone else's concerns
9 I'll just take a very brief recess to discuss what you've --
10 what you're suggesting with them. But I think from having
11 talked with them earlier that providing the originals in that
12 format probably won't work, but I will double-check since
13 they've heard this discussion, too. So, let me turn to anyone
14 else who wishes to be heard on this -- the matter of the
15 protocol before I take a short recess.

16 MR. CASSADA: Okay. Thank you, Your Honor. I'm
17 going to use the feature that I'm told puts me on mute and
18 hopefully I'll be bale to undo that when it comes time for me
19 to be heard again.

20 THE COURT: Okay, thank you.

21 MR. PARSONS: Your Honor, this is David Parsons from
22 the law firm of Stutzman, Bromberg. As you may know, we
23 represent several of the law firm respondents in this appeal.
24 As for the orders that we negotiated with Mr. Cassada on
25 Garlock's behalf, we were doing what we felt was necessary to

1 protect the interests of our clients and we were satisfied with
2 those orders, of course. We didn't have at the forefront of
3 our mind because that was really not something that we could
4 have at the forefront of our mind the Court's interest in
5 supervising its own records in the smooth administration of the
6 clerk's offices.

7 But we are utterly in deference to Your Honor's
8 concerns about how the -- how Garlock gets access to these
9 records and we hear your concerns and we have really nothing to
10 add to that point. From a point of view of getting access --
11 what to do with the records after access is obtained, we were
12 fine with that. But Your Honor's concerns are well stated and
13 we stand in deference to those comments in regards of how
14 Garlock gets access to it.

15 The only other point I would like to mention on the
16 protocol is when it comes to the destruction provisions, I'd
17 just like to point out that although we agreed to language that
18 was inserted into the Northern Carolina protective order it
19 actually contains specific clause that says that any more
20 stringent requirements that are in this protocol should govern
21 over that order, and therefore, any sort of perceived
22 inconsistency is not really an inconsistency. There was a
23 mechanism built into the negotiation of that order to ensure
24 that there wouldn't be any conflicting provisions. But other
25 than that, on behalf of the law firms that we represent I have

1 no further comment on the protocol.

2 THE COURT: Okay. Well, any concerns with the timing
3 issues, as I indicated, you know, I'm fine with whatever the
4 parties want to work out in Garlock's bankruptcy case. I just
5 want too make sure that we, in fact, get the documents either
6 returned or destroyed, whatever is going to be worked out, at
7 the appropriate time. I'm not trying to define really what the
8 appropriate time is. I think that's up to Judge Hodges and the
9 parties in that case.

10 MR. PARSONS: We were obviously okay with the
11 provisions that we negotiated, so to the extent that Judge
12 Hodges -- we really -- as long as Garlock destroys them. We do
13 think that Your Honor's affidavit is a good idea to sort of
14 ensure to the Court's satisfaction that those documents have
15 been properly disposed of as they are court records after all.

16 THE COURT: All right.

17 MR. PARSONS: But the timing, we were happy with the
18 order that we negotiated and we have no real opinion on that.

19 THE COURT: Okay, thank you. Anyone else wish to be
20 heard?

21 MS. RAMSEY: Your Honor, Natalie Ramsey from
22 Montgomery, McCracken, Walker & Rhoads on behalf of several of
23 the other law firms that have participated. We would just join
24 in Mr. Parsons' statements. We have no further comment.

25 THE COURT: All right. Anyone else?

1 MR. ZANIC: Your Honor, Michael Zanic from K&L Gates
2 on behalf of the reorganized debtors in the Mid-Valley
3 bankruptcy.

4 THE COURT: Yes, sir.

5 MR. ZANIC: Just for the avoidance of doubt, we do
6 not have the statements preserved given the -- how long ago our
7 bankruptcy luckily and happily for us has been closed. So, to
8 the extent that that was a path that people were going to go
9 down we're not able to assist in that particular regard.

10 THE COURT: All right. Any other debtors represented
11 on the phone who are in a similar position with Mid-Valley,
12 that is that you no longer have the 2019 statements?

13 MS. ZIGMAN: This is Abigail Zigman from Weil Gotshal
14 representing Armstrong World Industries. Like Mr. Zanic, I --
15 we tried when this practice started to determine even if we
16 could access our records and it isn't clear. I can't state for
17 certain whether we have them or we don't have them, but it's
18 probably more likely that we do not have them than we do. So I
19 just wanted to mention that to the Court and the other parties.

20 THE COURT: Okay. So that's Mid-Valley and
21 Armstrong. Who else?

22 UNIDENTIFIED ATTORNEY: Yes, Your Honor.

23 MS. RECHT: Your Honor, this is Bethany Recht on
24 behalf of AC&S and U.S. Minerals. we are in a similar position
25 as AWI. I can't represent whether or not we do or do not have

1 them, but I suspect that we don't.

2 THE COURT: All right.

3 MR. ISENBERG: Your Honor, Adam Isenberg, Saul Ewing,
4 on behalf of reorganized Owens Corning. Just I'll really echo
5 the comments of my colleagues of a moment ago. On behalf of
6 Owens Corning and Saul Ewing I don't know whether we still have
7 that information. I would have to check. But I cannot
8 represent today that we do have it.

9 MR. MADRON: And, Your Honor, good afternoon. Jason
10 Madron from Richards, Layton & Finger. We represent Armstrong
11 World Industries. My firm is also co-counsel in the USG and
12 Kaiser Aluminum cases. Although Kaiser and USG have not
13 participated in these appeals, I just would like for clarity of
14 the record to add similar reservation as my able colleagues
15 have before me that I am unable to represent to the Court
16 whether Kaiser or USG would have these materials, as well.

17 THE COURT: Well, Kaiser certainly should because I
18 just closed that case last week. So, Kaiser of all of the
19 debtors at this point in time should certainly have the
20 statements. USG and AWI have been closed for quite some time
21 and whether they've been retained or not I don't know. But
22 Kaiser, it seems to me, would have no reason to have destroyed
23 records in a case that was just closed last week, so --

24 MR. MADRON: Your Honor, I do agree. Obviously the
25 case was just final decreed last Friday. I'm not representing

1 to the Court that Kaiser does not have them, just stating that
2 I cannot verify as I sit here today -- and again, because I --
3 you know, again, Kaiser and USG are not active parties to these
4 appeals I have not discussions with either client regarding
5 these matters. I'm just unable to represent that they do.
6 Again, I'm not foreclosing the possibility that they do or they
7 may.

8 THE COURT: Okay. Well, it seems based on this
9 litany that I'm hearing from debtor's counsel's firm that the
10 first thing that ought to happen is the debtor's attorney
11 should find out whether the records do still exist and if so
12 how long it will take to access them. I don't know how long it
13 will take to get back the records from the cases in Delaware.
14 I'm told that it may be several weeks and it depends on what is
15 requested.

16 I know in one of the boxes or several, I think,
17 hundred boxes that came back in one of the cases that the
18 documents have apparently not been put into the boxes in docket
19 number order and as a result some of the statements that you're
20 looking for are not where they should be in the boxes, so I
21 don't know whether they've been located yet in the various, in
22 quotes, miscellaneous boxes, or not, but the search for these
23 documents is not going to be easy. That alone is going to be
24 pretty time consuming for the Court.

25 Now, the Pittsburgh files are in relatively decent

1 shape. We either have them in filing cabinets or in boxes
2 still here on the premises. So, to the extent that Garlock
3 wants to start with Pittsburgh disclosure I think that's
4 possible. How we're going to get the records out of the -- or
5 into the disclosure process in Delaware is perhaps a bit more
6 time cumbersome, and that's something else we ought to address.

7 I think that the -- if there is a special master in
8 place then we can do one of two things, either have the
9 documents from Delaware sent directly to the special master for
10 logging in and recording purposes and then returned by the
11 special master to the court in Delaware or they can come here
12 to the clerk for the -- in Pittsburgh for the same purpose,
13 then turned over to the special master and then returned here.
14 It seems to me that it may be simpler to have the special
15 master take that type of custody directly, but I'm going to
16 check with my clerk here and also in Delaware to make sure that
17 that won't cause some problem that I'm not thinking about at
18 the moment, too.

19 So, all counsel for debtors who are on the phone
20 please check with your clients, find out whether these
21 documents or records -- they're not really documents -- do
22 exist and if so, where they are and how long it may take to get
23 them back from storage in the event that that's necessary. I'm
24 not asking you to get them back. I just want the information
25 right now. Okay. Anyone else?

1 (No audible response)

2 THE COURT: Okay. Mr. Cassada, is there anything
3 else you want to discuss before I take a very short recess?

4 MR. CASSADA: I believe, Your Honor, that we've been
5 heard. We did do some due diligence before Your Honor entered
6 the order setting the status conference regarding the
7 transmittal of the 2019 exhibits from the national archive.
8 And Mr. Werkheiser, who's participating in the call, is
9 familiar with the progress that we have made on that. But we
10 had looked into that and we thought that those documents could
11 be transmitted to the clerk's office and then they could be
12 made available to Garlock through Parcels during normal
13 business hours.

14 THE COURT: Okay. I --

15 MR. WERKHEISER: Your --

16 THE COURT: I'm sorry. Go ahead.

17 MR. WERKHEISER: I'm sorry, Your Honor. This is Mr.
18 Werkheiser. I simply was going to follow up on Mr. Cassada's
19 comments and we did have a number of communications with a
20 representative of the Delaware Clerk's Office before Your
21 Honor's status conference order was entered and did understand
22 that they thought that there was some ability to expedite
23 retrieval of the documents from archives and have them brought
24 back to the Delaware Clerk's Office. Again, this was all in
25 anticipation of the possibility that we might bring Parcels on

1 site there and simply scan and copy the appropriate documents
2 there at that time.

3 THE COURT: Okay.

4 MR. WERKHEISER: I'm not sure what the timing would
5 be under the protocol.

6 THE COURT: Mr. Werkheiser, most -- many of these
7 documents are actually not on paper. It's not a matter of
8 scanning. It's going to be a matter of copying CDs. So, I
9 mean, there are --

10 MR. WERKHEISER: Understood.

11 THE COURT: Okay.

12 MR. WERKHEISER: Understood, Your Honor. I'm sorry.
13 We didn't get that granular in our discussion of it today, but
14 I think what we had contemplated was that working with the
15 clerk's office, representatives of Parcels would be on site
16 with computers to copy the files that are on the CDs into some
17 sort of electronic media, such as an external hard drive. And
18 then so that we kept a contemporaneous record of any paper
19 record that went with it they would scan the copies of the 2019
20 statements or if anything was submitted not on CD they would
21 scan that, as well.

22 THE COURT: Okay. I understand. Thank you.

23 MR. WERKHEISER: Thank you, Your Honor.

24 THE COURT: All right, anyone else?

25 (No audible response)

1 THE COURT: All right. Let's take a ten minute
2 recess. Let me confer with the clerk's office here and then I
3 will be back. And if everyone will please just stay on the
4 phone it will be a short recess.

5 UNIDENTIFIED ATTORNEY: Thank you.

6 (Recess)

7 THE COURT: I'm back on the record. I've spoken with
8 the clerk and the chief deputy here in Pittsburgh and I
9 understand that Stacey is on the phone from Delaware, so I'll
10 run by what I think may work and solve some of the
11 discrepancies in what we're dealing with today and then I'll
12 ask Stacey to make sure that what I'm proposing would work in
13 Delaware, as well. Mr. Cassada, apparently we can provide the
14 access to Parcels here in Pittsburgh to make copies of the
15 disks. So, it would seem that here and in Delaware Parcels
16 could show up. If they've got two branches they can be working
17 simultaneously in both courts. I don't think we -- anyone has
18 a concern about that.

19 And what would happen is we would essentially produce
20 a chain of custody document. And I'll just for purposes of
21 this say that it's going to be on a spreadsheet. So, whatever
22 we turn over to Parcels to be copied right here on the
23 premises, they will receipt for and then when we get it back
24 from them later that same day we will put it back in -- we will
25 receipt for it and put it back. Then once Parcels has the

1 copy, the copy should be turned over to the special master for
2 the redaction.

3 So, because the issue for Parcels will be they may
4 not really know what they're looking at, the special master can
5 certainly run the program that will eliminate the social
6 security numbers, but for the last four digits and can also
7 take a look at the documents that have been produced to make
8 sure that the exemplars and retention agreements that are not
9 part of the production are deleted before anything is produced
10 to Garlock. And in addition, the special master will have the
11 capability of keeping an electronic file of what is being
12 produced and what is not being produced so that if there is
13 ever any need to go into that information it will be available
14 on the special master's records. Then Garlock can get the -- a
15 copy, the redacted copy, and the Court can get a redacted copy
16 so that we'll all be on the same page with what's available.

17 I think if you -- that way the records in Delaware
18 can stay in Delaware. The records in Pittsburgh can stay in
19 Pittsburgh. But the special master will be the control to make
20 sure that the information that is not to be turned over is, in
21 fact, not turned over and that what is a 2019 statement is
22 produced. You know, both hands, to make sure that Garlock is
23 getting everything to which it's entitled pursuant to these
24 orders. So, let me ask Stacey first whether that process would
25 work in Delaware.

1 STACEY: Judge, that would work for us.

2 THE COURT: Okay. So, Mr. Cassada?

3 MR. CASSADA: Yes, Your Honor?

4 THE COURT: Does that process work?

5 MR. CASSADA: Yes. Well, that is better than the
6 protocol as originally proposed. It's -- I do think that the
7 special master in that case would be protecting information
8 that has otherwise been dealt with by the parties in their
9 agreements, but I understand that the Court's determined to do
10 that and so we prefer the protocol you just mentioned over the
11 original.

12 THE COURT: All right. I will have a revised
13 protocol that I will enter as an order then done which will
14 broaden in scope the use at the estimation proceedings. And,
15 Mr. Cassada, if for some reason I still don't have it to the
16 point where everybody is in agreement that it says what you
17 need then please contact my offices.

18 As I indicated, I am attempting to make sure that
19 Judge Hodges' order is implemented with respect to your
20 estimation process. I'm not trying to change it in any way.
21 So, I don't mean to -- I don't intend and I don't mean to be
22 setting aside any portion of his order with respect to the
23 estimation, and also with respect to the timing for the return
24 or destruction of the documents. But I will have a
25 certification process that will be put in place as part of the

1 protocol. And anyone who gets access to the 2019 statements,
2 either originals or revised, will have to sign that
3 certification at the -- at whatever the appropriate time is.
4 Can you tell me what the time is in Judge Hodges' order for
5 either destruction or return?

6 MR. CASSADA: Yes, I believe it's -- it was the
7 anniversary date of the consummation of a plan or
8 reorganization. That would be the outside time period.
9 Obviously we could determine before then. We could certify and
10 destroy before then if there was no reason to keep them up
11 until that date.

12 THE COURT: All right. Plan consummation or plan
13 confirmation?

14 MR. CASSADA: Consummation. Consummation.

15 THE COURT: Oh my, that doesn't --

16 MR. CASSADA: Substantial consummation, yes.

17 THE COURT: Okay. That could be a very long time and
18 I'm not sure why the parties would need it that long. Once the
19 plan has actually been affirmed by final order that seems to me
20 to be long enough. At that point within 30 days, I mean, the
21 parties ought to be turning it back over. Now, if consummation
22 happens before then that's fine, but otherwise it seems to me
23 that if -- you know, consummation could take 50 years.

24 MR. CASSADA: Yes. And I guess we were -- without
25 thinking through of all the imponderable ways that something

1 might happen we picked a date that the other parties agreed to
2 and just felt like we were protected with that date.

3 THE COURT: Okay. I think a final confirmation order
4 or substantial consummation, whichever comes first, and 30 days
5 after that date should be sufficient.

6 MR. WERKHEISER: Your Honor --

7 MR. CASSADA: Go ahead.

8 MR. WERKHEISER: Your Honor, this is Gregory
9 Werkheiser. I was just thinking about the procedure that is
10 afforded in the Bankruptcy Rules to attack a confirmation order
11 if there's an assertion of fraud or something like that. And I
12 believe -- I don't have the rule right in front of me, but is
13 that 180 days?

14 THE COURT: Well, but the -- but by the time this
15 case gets through final confirmation I don't think the issue
16 with respect to Garlock's estimation of its asbestos
17 liabilities is going to be subject to attack for fraud. I
18 mean, if that's going to come up it's going to come up as part
19 of the estimation process in the determination of the Court in
20 the first place. I mean, I'm not -- these are only the 2019
21 statements. The only purpose they can serve is for Garlock's
22 estimation, isn't it?

23 MR. WERKHEISER: I understood that that's certainly
24 the primary purpose, Your Honor. We're just trying to, again,
25 anticipate the imponderables and do something that seems to be

1 consistent with the Bankruptcy Rules. THE
2 COURT: Okay. Well, I think final confirmation or substantial
3 consummation, whichever is first, would be sufficient for that
4 purpose. In fact, I don't see why after the estimation is
5 determined it isn't sufficient. But for some reason -- if for
6 some reason it gets reopened or whatever during the course of
7 the case that's fine. Once the case is not in bankruptcy any
8 more I don't see any need for the documents to be retained and
9 I think that's an appropriate time to kick in the certification
10 process.

11 MR. CASSADA: Your Honor, when you say a final
12 confirmation order you mean after -- final after the exhaustion
13 of appeals?

14 THE COURT: Yes, sir. Yes, because if the issue of
15 the estimation comes up you may need the documents then, but by
16 the time there's a final order on appeal you don't need them
17 any more.

18 MR. MACLAY: Your Honor, this is Kevin MacLay, for
19 the four appellant ACCs. May I be heard?

20 THE COURT: Yes, sir.

21 MR. MACLAY: I just have one comment to make, Your
22 Honor. We agree with Garlock that this process should be
23 expedited and I think Your Honor has done a great job of
24 accomplishing that. We would note that one of the things Your
25 Honor just said was that Garlock could contact your chambers

1 with respect to further changes to the protocol and we would
2 just ask that if that sort of ex parte process occurs that we
3 be involved so that we know whatever changes may be being made
4 to the protocol before they're actually implemented as an
5 order.

6 THE COURT: Oh, Mr. Maclay, I didn't mean ex parte.
7 I meant that they could file something that tells me where I --
8 what I need to modify and I will be happy to consider modifying
9 it. I don't -- I'm not talking about an ex parte contact.

10 MR. MACLAY: Thank you, Your Honor.

11 THE COURT: Okay. Anyone else? Mr. Cassada, what's
12 your view -- I think I am a little confused still about what
13 Garlock is asking for. Are you going to have every one of
14 these disks copied? Because in some instances the disks were
15 originals, but then amended, and so amended disks -- we -- I
16 believe the clerk's office here has them all. I don't know
17 whether the clerk's office in Delaware has them all.

18 My understanding way back when, before any of these
19 issues came up, we're talking probably ten years ago, was that
20 when the clerk's office was getting amended documents they
21 were, I think, throwing out the old ones. I'm not sure, but I
22 think that may have been the case. So, we'll obviously produce
23 what we have. But the issue is do you want to start by
24 identifying certain CDs or are you simply going to send Parcels
25 here and say, start from A to Z and copy everything?

1 MR. CASSADA: Our plan, Your Honor, was to do the
2 latter and the reason is that getting all of a series of disks
3 that may have been submitted by a law firm provides information
4 about the timing of the appearance of the firm for a specific
5 creditor and that is -- that timing is important as it relates
6 to the -- Garlock's position in its estimation proceeding.

7 THE COURT: Okay. So, perhaps it would be advisable
8 if you contact somebody in the clerk's office. John, who --
9 should he contact, Mike?

10 UNIDENTIFIED SPEAKER: Yes.

11 THE COURT: Our Chief Deputy Mike Rhodes, to let him
12 know where and when you wish to start the copy process so that
13 we can, you know, get the documents -- I'm calling them
14 documents -- the CDs in some form of usable process. It would
15 be helpful probably to have Parcels come and talk to Mike to
16 see what's here and how to begin. And meanwhile, are you -- do
17 you want me to simply appoint a special master or do you folks
18 want to look at the Pittsburgh list and pick someone?

19 I know that Judge Fischer had a view that there were
20 several firms on the list who could provide backup assistance
21 to the extent that it was necessary and she felt that that
22 might be, given the volume of work that you're looking at,
23 advisable. So, I have a recommendation from her. So, let me
24 know, which do you want to do, do you want to pick somebody off
25 that list or do you want me to appoint someone?

1 MR. CASSADA: Do you have her recommendation? Can
2 you share that with us now?

3 THE COURT: I could if I had it here, but I don't
4 have her e-mail. I don't have my e-mails open at the moment.
5 Would you like to hold on again until I go find it?

6 MR. CASSADA: No, that's not necessary. I'll --
7 we'll confer and likely be happy to let you chose a special
8 master.

9 THE COURT: Okay. Then I will get the protocol
10 revised. I'll expect somebody from your office, Mr. Cassada,
11 to get in touch with Mike Rhodes. Mike, what phone number do
12 you want them --

13 MR. RHODES: I'm extension 259. The main court
14 number is 412-644-4067.

15 THE COURT: All right. And to have someone from
16 Parcels make an arrangement to get together to see this, as
17 well. Mr. Cassada, you'll contact us to tell us where you want
18 to start and I guess to send Parcels here to be sure that where
19 you want to start is something that Parcels can do. And
20 meanwhile I'll get a special master appointed so that we can
21 have a discussion with the special master about how to transmit
22 the copies and what the special master's duties will be, to
23 make sure that the master is able to redact social security
24 numbers and the retention agreements and also to assure that
25 the 2019 statements are produced as required.

1 MR. CASSADA: Okay. So, we'll look -- we're to look
2 for a revised final protocol?

3 THE COURT: Yes, it will be in a final protocol. And
4 again, you know, if anyone has a concern about the language
5 please just file a request for reconsideration with your
6 proposed language for me, serve it on everyone, so I can see
7 it. The same protocol will be entered in Pittsburgh and in
8 Delaware.

9 I want to go back to these amended 2019 statements,
10 Mr. Cassada. In some instances -- well, I think all of the
11 orders may say that when the 2019 statements were amended they
12 were only to include the supplemental information and material
13 changes, but, in fact, that's not how everybody did them. So,
14 you're going to find, I think, a lot of duplicate effort, a lot
15 of duplicate records.

16 MR. CASSADA: Yes. That sounds like with each disk,
17 maybe it just added new clients.

18 THE COURT: No. That's what it was supposed to do,
19 but that's not what it did.

20 MR. CASSADA: Oh, okay.

21 THE COURT: In many instance people were actually
22 resubmitting an entire disk. So, again, to use John Smith,
23 John Smith may appear in Owens, for example, on 15 different
24 disks because he appears in the original one and then on all of
25 the amended disks. So, the supplementals are not just

1 supplemental in every case.

2 MR. CASSADA: I understand.

3 THE COURT: They were supposed to be, but they're
4 not. So, you're going to end up with a mass of data. I guess
5 that's what I'm suggesting.

6 MR. CASSADA: Okay, thank you for that information.

7 THE COURT: Okay. I will get this protocol done.
8 Mr. Cassada, if you could, I guess, file something by Monday
9 with respect to the special master. If you folks have agreed
10 on someone, fine, let me know, otherwise I'm going to pick
11 somebody on Monday and do an appointment so that we can get
12 this process underway.

13 MR. CASSADA: Okay. In the meantime we can -- we're
14 free to go ahead and have -- make arrangements for Parcels to
15 contact Mr. Rhodes and set up the --

16 THE COURT: Yes, here in Pittsburgh and Stacey in
17 Delaware.

18 MR. CASSADA: Yes.

19 THE COURT: Okay. Stacey, maybe I could get this
20 piece of information from you, too, before we leave. What
21 records have come back and do you have an expectation of how
22 long it's going to take to get the rest of the files back from
23 storage in Delaware?

24 STACEY: We don't have them back yet. Julie -- I
25 haven't been in the office all week. Julie, there's nothing

1 back yet, is there, from archives?

2 SHERRY: This is Sherry. And actually, yes, we just
3 received back all of Owens and all of Kaiser and all of
4 Armstrong.

5 STACEY: Okay.

6 SHERRY: So we have those. We have Grace, Kaiser and
7 Flintkote here and we just need the other four to order. And
8 it's been a quick turnaround it seems like.

9 STACEY: Okay. Yes, they told us about a week to ten
10 days to receive anything back from archives, so we asked for
11 that a week ago and we received it, so anything else we need
12 should be about a week.

13 THE COURT: Okay. So, there are -- it sounds as
14 though there are five files that can be accessed in Delaware,
15 too. The open files, Sherry or Stacey, are the disks in the
16 safe so that they're readily accessible or are they mixed in
17 with the paper files somewhere?

18 STACEY: (Indiscernible)

19 SHERRY: The cases that are -- sorry.

20 STACEY: Go ahead, Sherry.

21 SHERRY: The cases that are still open, Grace,
22 Flintkote, and actually Kaiser, since that just closed, we have
23 all the CDs in a safe, but if we know when someone is coming we
24 can pull the out for Parcels to do what they need to do.

25 THE COURT: Okay. It's the ones that were in storage

1 that's the problem where they're not necessarily in docket
2 order.

3 SHERRY: That's correct. There's like 50 to 60 boxes
4 that came back that haven't been opened yet, so they're all
5 mixed in.

6 THE COURT: Okay. So, Mr. Cassada, for purposes of
7 getting Parcels started it sounds as though the three
8 Pittsburgh cases and the three cases for which the files still
9 exist in Delaware or the documents are in the court system in
10 Delaware may be the best place to start.

11 MR. CASSADA: That sounds right.

12 THE COURT: Okay. All right. You folks can have a
13 discussion. To the extent you need any further orders I will
14 expect to hear from the clerk's office that some further order
15 is necessary to implement the process. I will have Mike Rhodes
16 work with Stacey to make sure that the same form of record
17 keeping is maintained both for the Pittsburgh and Delaware
18 cases and also for what's transmitted to the special master and
19 then back to the Court so that all the documents will be
20 essentially kept in the same fashion for posterity purposes.
21 Anything else to address today?

22 MR. CASSADA: Your Honor, for Garlock, thank you for
23 listening to our concerns and taking account of them.

24 THE COURT: Okay. I will be doing a revised
25 protocol. Thank you. We're adjourned.

1 MR. CASSADA: Thank you.

2 UNIDENTIFIED ATTORNEY: Thank you, Your Honor.

3 * * * * *

4 C E R T I F I C A T I O N

5 We, KAREN DELUCIA AND LORI AULETTA, court approved
6 transcribers, certify that the foregoing is a correct
7 transcript from the official electronic sound recording of the
8 proceedings in the above-entitled matter, and to the best of
9 our ability.

10
11 /s/ Karen DeLucia

12 KAREN DELUCIA

13
14 /s/ Lori Auletta

15 LORI AULETTA

16 J&J COURT TRANSCRIBERS, INC.

DATE: April 9, 2013